

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

JANE DOE

Petitioner,

v.

THE COMMONWEALTH OF MASSACHUSETTS,

Respondent.

Civil Action No.  
21-12034 NMG

ORDER

MARCH 22, 2022

GORTON, D.J.

1. Petitioner's requests to proceed under a pseudonym (ECF Nos. 1-1, 4, 7) are each DENIED without prejudice. "As a general rule, the presumption is that all judicial proceedings remain open to the public." Doe v. W. New Eng. U., CV 3:19 30124-TSH, 2019 WL 10890195, at \*1 (D. Mass. Dec. 16, 2019) (quoting Doe v. Word of Life Fellowship, Inc., No. 11-40077-TSH, 2011 WL 2968912, at \*1 (D. Mass. July 18, 2011)). This Court nevertheless retains "discretion to allow a party to proceed pseudonymously in circumstances where that party 'has a substantial privacy right which outweighs the customary and constitutionally embedded presumption of openness in judicial proceedings.'" Id. (quoting Doe v. Bell Atl. Bus. Sys. Servs., Inc., 162 F.R.D. 418, 420 (D. Mass. 1995) (internal quotation marks and citations omitted)). Of course, "[t]he burden is upon

the proponent to demonstrate the need for confidentiality.”  
MacInnis v. Cigna Grp. Ins. Co. of Am., 379 F. Supp. 2d 89, 90  
(D. Mass. 2005). Here, petitioner’s reasons for proceeding by  
pseudonym due to the undescribed “sensitive nature of the  
subject matter” and “personal nature of the matter and medical  
information that will be submitted in regard to the matter,” see  
ECF Nos. 1-1, 4, 7, are wholly conclusory. On this record, the  
petitioner fails to meet her burden to rebut the presumption of  
an open proceeding and her identity being public.


2. Petitioner’s requests to seal documents filed in this  
matter to date (ECF Nos. 1-1, 4, 7, and 9-1) are each DENIED  
without prejudice, however the unsealing of any documents in  
this action is STAYED until further Order of the Court.  
Petitioner by April 8, 2022 may file a renewed motion to seal  
with supporting memorandum of reasons why each document, or  
portion thereof, should be sealed.

3. The Petition will be DENIED and this action DISMISSED  
unless the Petitioner by April 8, 2022: (1) files an amended  
petition for the public record-- a stand-alone document  
replacing all prior petitions - that in addition to providing  
the factual basis of the petition: (a) provides her legal name  
and current mailing address (unless accompanied by a renewed  
motion to proceed by pseudonym in which case she may provide a  
redacted amended petition for the public record and

simultaneously file an unredacted petition with her true name and current mailing address, under seal), and (b) identifies her immediate custodian (i.e. the superintendent or warden of the facility in which she is detained); and (2) complies with the Court's December 28, 2021 Procedural Order, ECF No. 5, a copy of which shall be provided with this Order.

4. The Clerk is directed to provide a copy of this Order and the Court's December 28, 2021 Procedural Order (ECF No. 5) to the latest name and address provided by the petitioner.

So Ordered.

  
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NATHANIEL M. GORTON  
United States District Judge